

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JIMMIE JR COLE

PLAINTIFF

v.

Civil No. 4:18-cv-04076

SERGEANT REYNOLDS;
JOHN DOES 1-3, Texarkana Arkansas Police Department;
and CHIEF OF POLICE, ROBERT H.
HARRISON

DEFENDANTS

ORDER

Plaintiff Jimmie JR Cole filed this 42 U.S.C. § 1983 action *pro se* and *in forma pauperis* on May 8, 2018. (ECF No. 1). His application to proceed *in forma pauperis* was granted that same day. (ECF No. 5). Before the Court is Plaintiff's failure to keep the Court informed of his current address.

On October 1, 2018, mail sent to Plaintiff's address of record was returned marked "Return to Sender Not Deliverable as Addressed Unable to Forward". (ECF No. 33). Mail sent to Plaintiff's address of record was also returned on October 9, 2018, and on October 17, 2018. (ECF Nos. 34, 35). Plaintiff's last communication with the Court was on September 24, 2018, when he filed a change of address.¹ (ECF No. 26). More than thirty days has passed since mail sent to Plaintiff at his address of record was returned and Plaintiff has failed to inform the Court of his current address.

Although *pro se* pleadings are to be construed liberally, a *pro se* litigant is not excused from complying with substantive and procedural law. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984). Moreover, the Local Rules state in pertinent part:

¹ The Court notes that the above communications (ECF Nos. 33-35) were sent to the address Plaintiff provided when Plaintiff filed his change of address (ECF No. 26) on September 24, 2018.

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently . . . If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.

Local Rule 5.5(c)(2).

Plaintiff has failed to keep the Court informed of his current address. Therefore, pursuant to Local Rule 5.5(c)(2), the Court finds that this case should be dismissed. Accordingly, Plaintiff's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED THIS 6th day of November 2018.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge